



Robert Lane <robert.lane@azdhs.gov>

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## Fwd: Public Records Request

1 message

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Chris Minnick <chris.minnick@azdhs.gov>

Wed, May 1, 2019 at 11:47 AM

To: Robert Lane <robert.lane@azdhs.gov>, Laura Flores <laura.flores@azdhs.gov>

Cc: Colby Bower <colby.bower@azdhs.gov>, Cara Christ <cara.christ@azdhs.gov>

See records request below.

----- Forwarded message -----

From: **Ashley Cleek** <ashley.cleek@gmail.com>

Date: Wed, May 1, 2019 at 10:46 AM

Subject: Public Records Request

To: <chris.minnick@azdhs.gov>

Dear Mr. Minnick,

I am writing to request public records. I also left you a voice mail, please feel free to call me back at: 205-500-1160.

I am requesting an opportunity to obtain copies of public records requests made to the Arizona Department of Public Health for abortion reports and abortion complications reports submitted by any and all persons and non-governmental agencies since January of 2011.

I am also requesting any records / responses sent in response to those public records request(s).

I am a journalist working for Type Investigations, and, therefore, I request that fees be waived, as this request is in the public's interest.

If my request is denied in whole or part, I ask that you justify all deletions by reference to specific exemptions of the act.

Thank you so much for your assistance.

Ashley Cleek

Type Investigations

599 E. 7<sup>th</sup> Street

Apt 5E

5/1/2019

State of Arizona Mail - Fwd: Public Records Request

Brooklyn, NY 11218

ashley.cleek@gmail.com / 205-500-1160

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Ashley Cleek

US #: +1 205-500-1160

Skype: msabcleek

CONFIDENTIALITY NOTICE: This e-mail is the property of the Arizona Department of Health Services and contains information that may be PRIVILEGED, CONFIDENTIAL, or otherwise exempt from disclosure by applicable law. It is intended only for the person(s) to whom it is addressed. If you have received this communication in error, please do not retain or distribute it. Please notify the sender immediately by e-mail at the address shown above and delete the original message. Thank you.



Office of Administrative Counsel and Rules - ADHS  
<acr@azdhs.gov>

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## Response-May 5, 2019 Public Records Request

1 message

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Office of Administrative Counsel and Rules - ADHS  
<ACR@azdhs.gov>

Wed, May 1, 2019 at 2:39  
PM

To: ashley.cleek@gmail.com

Cc: Chris Minnick <chris.minnick@azdhs.gov>

Please see the attached records, which are responsive to your May 1, 2019 public records request. Because no copies were made, there is not cost associated with this response. Please note that ADHS does not maintain a log of public records requests that goes back any further than February 2014. Thank you.

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Office of Administrative Counsel and Rules

Arizona Department of Health Services

150 N. 18<sup>th</sup> Ave., Suite 200, Phoenix, AZ 85007

Phone: 602.542.1020

Fax: 602.364.1150

*Health and Wellness for all Arizonans*

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Abortion Reports-Public Record Requests and Responses.pdf  
1773K



August 29, 2014

Will Humble, Director  
Arizona Department of Health Services  
150 North 18th Avenue  
Phoenix, Arizona 85007

**Re: Complaint Against Planned Parenthood AZ, Inc. and Request for A  
Copy of All Reports Submitted by Planned Parenthood Arizona, Inc. Tempe  
Facility From December 2013 through February 2014**

Dear Mr. Humble:

On August 7, 2014, we submitted a formal complaint against Planned Parenthood AZ, Inc., to you and your agency to for review. We specifically requested that, pursuant to the Women's Health Protection Act (H.B. 2284) which took effect on July 24, 2014, your agency immediately investigate the Planned Parenthood Arizona facility in Tempe, as well as all other Planned Parenthood AZ facilities in the State of Arizona.

The Women's Health Protection Act authorizes your agency to immediately inspect and investigate an abortion facility if there is "reasonable cause" to believe that the abortion facility is not adhering to licensing requirements, or any other Arizona rule or law regarding abortions. Arizona law, specifically A.R.S. § 13-3620, unequivocally requires that Planned Parenthood must immediately report allegations involving the sexual assault on a minor to law enforcement. We provided you with sufficient information to initiate an investigation due to the allegation that arose during the investigation of Tyler Kost that a counselor at the Planned Parenthood facility in Tempe deliberately misecoded and failed to report the rape of a minor. In May, the Pinal County Sheriff had also requested that Planned Parenthood be investigated for the very same allegations and offered assistance in doing so.

It is your agency's obligation to thoroughly investigate Planned Parenthood AZ for failing to report the sexual abuse of a minor and all related allegations so as to ensure that Planned Parenthood AZ is held accountable for violations of A.R.S. § 13-3620, and any other applicable laws and rules. Arizona's children deserve to be protected and Arizona citizens deserve to know that the laws that have been implemented for their safety are being properly and thoroughly investigated and enforced.

We have received no response from you or your agency regarding our complaint. We are aware that our complaint was received, but would appreciate the courtesy of a formal acknowledgement that the allegations contained in the complaint are in fact being investigated so that we may advise our clients.

Will Humble, Director  
 Arizona Department of Health Services Complaint  
 August 29, 2014

ALLIANCE DEFENDING FREEDOM

Additionally, as you know, A.R.S. § 36-2161 requires abortion providers to file a report that includes the reason for an abortion. It is entirely reasonable to conclude that a provider who falsifies a rape in order to make it appear as a consensual encounter would also provide false information in this mandatory report that is submitted to your agency. Consequently, pursuant to Arizona Public Records law, A.R.S. § 39-121 to § 39-122, we request that you promptly provide us with copies of reports submitted by the Planned Parenthood Arizona, Inc. facility in Tempe, located at 1205 E. Apache Blvd., Suite 108, Tempe, AZ 85281, pursuant to A.R.S. § 36-2161. We are specifically seeking any reports relating to abortions performed on January 4, 2014, but would also like copies of all reports for that facility for abortions performed during December 2013 through February 2014. If there is a cost for copies of such reports, please let us know. If possible, please provide electronic copies of the requested records via email to: [ndecker@alliancedefendingfreedom.org](mailto:ndecker@alliancedefendingfreedom.org).

As we previously advised, if we can be of assistance during your investigation, please do not hesitate to contact us.

Sincerely,



Michael J. Norton  
 Natalie L. Decker  
 ALLIANCE DEFENDING FREEDOM

Jeff -  




*Division for Planning and Operations  
Administrative Counsel and Rules*

1740 W. Adams, Suite 203  
Phoenix, Arizona 85007-2670  
(602) 542-1020  
(602) 364-1150 FAX

JANICE K. BREWER, GOVERNOR  
WILL HUMBLE, DIRECTOR

September 3, 2014

*Sent Via U.S. Mail and  
Electronic Mail*

Ms. Natalie L. Decker  
Alliance Defending Freedom  
15100 N. 90<sup>th</sup> St.  
Scottsdale, AZ 85260  
[ndecker@alliancedefendingfreedom.org](mailto:ndecker@alliancedefendingfreedom.org)

Rc: Public Records Request-Planned Parenthood Reports

Dear Ms. Decker:

On behalf of the Arizona Department of Health Services ("ADHS"), I am responding to your public records request received by ADHS on August 29, 2014 ("Request"). In your Request you ask for "copies of reports submitted by the Planned Parenthood Arizona, Inc. facility in Tempe, located at 1205 E. Apache Blvd., Suite 108, Tempe, AZ 85281."

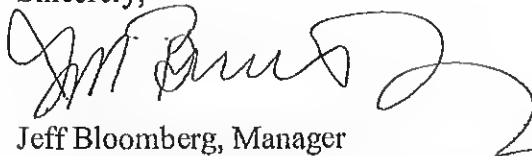
A report filed pursuant to Arizona Revised Statutes ("A.R.S.") Title 36, Chapter 20, Article 2, "is not a public record and is not available for public inspection." See A.R.S. § 36-2163(D). In addition, an ADHS employee who "willfully discloses any information obtained from reports filed pursuant to [A.R.S. Title 36, Chapter 20, Article 2] . . . is guilty of a class 3 misdemeanor." See A.R.S. § 36-2163(F). Based on the foregoing, ADHS is prohibited from releasing the requested reports to you.

It is my understanding that Director Humble provided you with some information that you asked for in your August 29, 2014 letter. Also, you may be interested in our 2013 Annual Abortion Report we expect to publish on-line next week at the following website under the heading Annual Reports : <http://www.azdhs.gov/plan/crr/ar/>.

Ms. Natalie L. Decker  
September 3, 2014  
Page Two

If you have any questions regarding this response, please contact the Division for Planning and Operations, Administrative Counsel and Rules, at 602-542-1020.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Bloomberg", with a long horizontal flourish extending to the right.

Jeff Bloomberg, Manager  
Division for Planning and Operations, Administrative Counsel and Rules

JB:rl

cc: Laura Flores, Assistant Attorney General

## Robert Lane

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**From:** Holly Ward  
**Sent:** Wednesday, August 26, 2015 11:58 AM  
**To:** Robert Lane; Cara Christ  
**Cc:** Janet Mullen; Colby Bower  
**Subject:** FW: records request

Cara and Rob,

Forwarding a public records request from the Arizona Republic.

### Holly Ward

Communication Director  
Arizona Department of Health Services  
150 N 18<sup>th</sup> Ave., suite 500  
Phoenix, Arizona 85007  
602.542.1094 desk  
480.327.7252 mobile

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**From:** Rau, Alia [<mailto:alia.rau@arizonarepublic.com>]  
**Sent:** Wednesday, August 26, 2015 11:46 AM  
**To:** Holly Ward  
**Cc:** Rau, Alia  
**Subject:** records request

Holly, Please see the records request below. I'm not clear what form these documents exist in, or how many there are. I'm somewhat flexible on this request and am happy to discuss how we can meet the request in the easiest way possible for your staff. I'm on cell today at 602 316 8944 or in the office the rest of the week at 602 444 4947.

Thanks!  
Alia

*Aug. 26, 2015*

Dear Holly:

Pursuant to ARS. Sec. 39-121 through 39-121.03, the Arizona Public Records Law, I formally request that you, in your official capacity, make available to me the following documents:

- All abortion procedure reports for July 2015.
- All abortion complication reports for July 2015.
- All public record requests for abortion procedure and/or complication reports from 2010 to present; and the outcome of those requests.

For the July 2015 procedure and complication reports, I would like those reports in digital form. If that is not possible, I am requesting to view those reports. I am NOT requesting print copies at this time. For the public records requests, please include the original records request and note the outcome. I would like those in digital form as well, if possible. If that is not possible, please let me know how many of those requests there are before moving forward with print copies. This request, made in my position as a reporter for The Arizona Republic, is for a non-commercial purpose. I would be willing to pay reasonable costs up to \$50. If the costs are expected to be more than that amount, please telephone me at 602 444 4947 before incurring the costs.

Please provide me a response to my request by no later than the close of business on Friday, Sept. 4, 2015.  
I strongly believe that the foregoing documents are of vital interest to the public.



Thank you for your assistance.

*Alia Rau*  
*The Arizona Republic*



*Division for Planning and Operations  
Administrative Counsel and Rules*

1740 W. Adams, Suite 203  
Phoenix, Arizona 85007-2670  
(602) 542-1020  
(602) 364-1150 FAX

DOUGLAS A. DUCEY, GOVERNOR  
CARA M. CHRIST, M.D., DIRECTOR

August 27, 2015

*Sent Via Electronic Mail*

Ms. Alia Rau  
The Arizona Republic  
[alia.rau@arizonarepublic.com](mailto:alia.rau@arizonarepublic.com)

Re: Response – August 26, 2015 Public Records Request

Dear Ms. Rau:

On behalf of the Arizona Department of Health Services (“ADHS”) I am responding to your public records request received by ADHS on August 26, 2015 (“Request”). In your Request you ask for:

1. All abortion procedure reports for July 2015;
2. All abortion complication reports for July 2015;
3. All public records requests for abortion procedure and/or complication reports from 2010 to present; and the outcome of those requests.

With regard to sections 1 and 2 of your Request, please be advised that a report filed pursuant to Arizona Revised Statutes (“A.R.S.”) Title 36, Chapter 20, Article 2, “is not a public record and is not available for inspection.” A.R.S. § 36-2163(D). Further a person who “willfully discloses any information obtained from reports filed pursuant to [A.R.S. Title 36, Chapter 20, Article 2] . . . is guilty of class 3 misdemeanor.” A.R.S. § 36-2163(F). Accordingly, ADHS is prohibited from releasing the requested reports to you.

With regard to section 3 of your Request, ADHS is attaching 4 pages of responsive records<sup>1</sup>. Please note that ADHS does not maintain a log of public records requests that goes back any further than February 2014.

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<sup>1</sup> ADHS’ typical copying fee is \$0.25/page. However, because the records included with this response constitute so few pages, for this response only, ADHS is waiving its copying fee.

Ms. Alia Rau  
August 27, 2015  
Page Two

If you have any questions regarding this response, please contact the Division for Planning and Operations, Administrative Counsel and Rules, at 602-542-1020.

Sincerely,

A handwritten signature in black ink, appearing to be 'RL', written in a cursive style.

Robert Lane, Interim Manager  
Division for Planning and Operations, Administrative Counsel and Rules

cc: Holly Ward, ADHS Communication Director  
Laura Flores, Assistant Attorney General



August 29, 2014

Will Humble, Director  
Arizona Department of Health Services  
150 North 18th Avenue  
Phoenix, Arizona 85007

**Re: Complaint Against Planned Parenthood AZ, Inc. and Request for A  
Copy of All Reports Submitted by Planned Parenthood Arizona, Inc. Tempe  
Facility From December 2013 through February 2014**

Dear Mr. Humble:

On August 7, 2014, we submitted a formal complaint against Planned Parenthood AZ, Inc., to you and your agency to for review. We specifically requested that, pursuant to the Women's Health Protection Act (H.B. 2284) which took effect on July 24, 2014, your agency immediately investigate the Planned Parenthood Arizona facility in Tempe, as well as all other Planned Parenthood AZ facilities in the State of Arizona.

The Women's Health Protection Act authorizes your agency to immediately inspect and investigate an abortion facility if there is "reasonable cause" to believe that the abortion facility is not adhering to licensing requirements, or any other Arizona rule or law regarding abortions. Arizona law, specifically A.R.S. § 13-3620, unequivocally requires that Planned Parenthood must immediately report allegations involving the sexual assault on a minor to law enforcement. We provided you with sufficient information to initiate an investigation due to the allegation that arose during the investigation of Tyler Kost that a counselor at the Planned Parenthood facility in Tempe deliberately miscoded and failed to report the rape of a minor. In May, the Pinal County Sheriff had also requested that Planned Parenthood be investigated for the very same allegations and offered assistance in doing so.

It is your agency's obligation to thoroughly investigate Planned Parenthood AZ for failing to report the sexual abuse of a minor and all related allegations so as to ensure that Planned Parenthood AZ is held accountable for violations of A.R.S. § 13-3620, and any other applicable laws and rules. Arizona's children deserve to be protected and Arizona citizens deserve to know that the laws that have been implemented for their safety are being properly and thoroughly investigated and enforced.

We have received no response from you or your agency regarding our complaint. We are aware that our complaint was received, but would appreciate the courtesy of a formal acknowledgement that the allegations contained in the complaint are in fact being investigated so that we may advise our clients.

Will Humble, Director  
Arizona Department of Health Services Complaint  
August 29, 2014

ALLIANCE DEFENDING FREEDOM

Additionally, as you know, A.R.S. § 36-2161 requires abortion providers to file a report that includes the reason for an abortion. It is entirely reasonable to conclude that a provider who falsifies a rape in order to make it appear as a consensual encounter would also provide false information in this mandatory report that is submitted to your agency. Consequently, pursuant to Arizona Public Records law, A.R.S. § 39-121 to § 39-122, we request that you promptly provide us with copies of reports submitted by the Planned Parenthood Arizona, Inc. facility in Tempe, located at 1205 E. Apache Blvd., Suite 108, Tempe, AZ 85281, pursuant to A.R.S. § 36-2161. We are specifically seeking any reports relating to abortions performed on January 4, 2014, but would also like copies of all reports for that facility for abortions performed during December 2013 through February 2014. If there is a cost for copies of such reports, please let us know. If possible, please provide electronic copies of the requested records via email to: [ndecker@alliancedefendingfreedom.org](mailto:ndecker@alliancedefendingfreedom.org).

Jeff -  
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As we previously advised, if we can be of assistance during your investigation, please do not hesitate to contact us.

Sincerely,



Michael J. Norton  
Natalie L. Decker

ALLIANCE DEFENDING FREEDOM



*Division for Planning and Operations  
Administrative Counsel and Rules*

1740 W. Adams, Suite 203  
Phoenix, Arizona 85007-2670  
(602) 542-1020  
(602) 364-1150 FAX

JANICE K. BREWER, GOVERNOR  
WILL HUMBLE, DIRECTOR

September 3, 2014

*Sent Via U.S. Mail and  
Electronic Mail*

Ms. Natalie L. Decker  
Alliance Defending Freedom  
15100 N. 90<sup>th</sup> St.  
Scottsdale, AZ 85260  
[ndecker@alliancedefendingfreedom.org](mailto:ndecker@alliancedefendingfreedom.org)

Re: Public Records Request-Planned Parenthood Reports

Dear Ms. Decker:

On behalf of the Arizona Department of Health Services ("ADHS"), I am responding to your public records request received by ADHS on August 29, 2014 ("Request"). In your Request you ask for "copies of reports submitted by the Planned Parenthood Arizona, Inc. facility in Tempe, located at 1205 E. Apache Blvd., Suite 108, Tempe, AZ 85281."

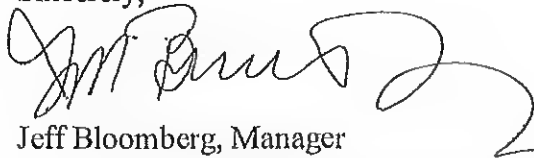
A report filed pursuant to Arizona Revised Statutes ("A.R.S.") Title 36, Chapter 20, Article 2, "is not a public record and is not available for public inspection." See A.R.S. § 36-2163(D). In addition, an ADHS employee who "willfully discloses any information obtained from reports filed pursuant to [A.R.S. Title 36, Chapter 20, Article 2] . . . is guilty of a class 3 misdemeanor." See A.R.S. § 36-2163(F). Based on the foregoing, ADHS is prohibited from releasing the requested reports to you.

It is my understanding that Director Humble provided you with some information that you asked for in your August 29, 2014 letter. Also, you may be interested in our 2013 Annual Abortion Report we expect to publish on-line next week at the following website under the heading Annual Reports : <http://www.azdhs.gov/plan/crr/ar/>.

Ms. Natalie L. Decker  
September 3, 2014  
Page Two

If you have any questions regarding this response, please contact the Division for Planning and Operations, Administrative Counsel and Rules, at 602-542-1020.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Bloomberg", with a long horizontal flourish extending to the right.

Jeff Bloomberg, Manager  
Division for Planning and Operations, Administrative Counsel and Rules

JB:rl

cc: Laura Flores, Assistant Attorney General

**Robert Lane**

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**From:** WE8PIO  
**Sent:** Monday, October 19, 2015 11:04 AM  
**To:** Robert Lane  
**Subject:** FW: Public Records Request: Arizona Abortion Reporting 8/14/15 - Present (ADHS)

This one is for you

**Carol Vack | Local Health Liaison**  
Office of the Director | Arizona Department of Health Services  
☎: 602.542-7395 | ✉: [Carol.Vack@azdhs.gov](mailto:Carol.Vack@azdhs.gov)

**From:** [21889-33682704@requests.muckrock.com](mailto:21889-33682704@requests.muckrock.com) [mailto:[21889-33682704@requests.muckrock.com](mailto:21889-33682704@requests.muckrock.com)]  
**Sent:** Sunday, October 18, 2015 11:12 PM  
**To:** WEBPIO  
**Subject:** Public Records Request: Arizona Abortion Reporting 8/14/15 - Present (ADHS)

October 19, 2015  
Department of Health Services  
150 North 18th Avenue  
Phoenix, Arizona 85007

To Whom It May Concern:

Pursuant to the state open records law, Ariz. Rev. Stat. Ann. Secs. 39-121 to 39-122 and 39-128, I hereby request the following records:

All reports of abortion submitted to the ADHS since 8/14/15 per R9-10-119 and emergency rulcmaking 21 A.A.R. 1787.

The requested documents will be made available to the general public, and this request is not being made for commercial purposes.

I agree to fees up to \$25. In the event that fees are expected to exceed this amount, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I would request your response within ten (10) business days.

Sincerely,

Jason Smathers

Filed via MuckRock.com  
E-mail (Preferred): [21889-33682704@requests.muckrock.com](mailto:21889-33682704@requests.muckrock.com)



For mailed responses, please address (see note):

MuckRock

DEPT MR 21889

PO Box 55819

Boston, MA 02205-5819

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.



*Division for Planning and Operations  
Administrative Counsel and Rules*

1740 W. Adams, Suite 203  
Phoenix, Arizona 85007-2670  
(602) 542-1020  
(602) 364-1150 FAX

DOUGLAS A. DUCEY, GOVERNOR  
CARA M. CHRIST, M.D., DIRECTOR

October 20, 2015

*Sent Via Electronic Mail*

Mr. Jason Smathers  
[21889-33682704@requests.muckrock.com](mailto:21889-33682704@requests.muckrock.com)

Re: Response – October 19, 2015 Public Records Request

Dear Mr. Smathers:

On behalf of the Arizona Department of Health Services ("ADHS") I am responding to your public records request received by ADHS on October 19, 2015 ("Request"). In your Request you ask for "[a]ll reports of abortion submitted to ADHS since 8/14/15 per R9-10-119 and emergency rulemaking 21 A.A.R. 1787."

Please be advised that a report filed pursuant to Arizona Revised Statutes ("A.R.S.") Title 36, Chapter 20, Article 2, "is not a public record and is not available for inspection." A.R.S. § 36-2163(D). Further a person who "willfully discloses any information obtained from reports filed pursuant to [A.R.S. Title 36, Chapter 20, Article 2] . . . is guilty of class 3 misdemeanor." A.R.S. § 36-2163(F). Accordingly, ADHS is prohibited from releasing the requested reports to you. Publically available abortion reporting information may be found at the following: <http://www.azdhs.gov/plan/abortions.htm>.

If you have any questions regarding this response, please contact the Division for Planning and Operations, Administrative Counsel and Rules, at 602-542-1020.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert Lane".

Robert Lane, Interim Manager  
Division for Planning and Operations, Administrative Counsel and Rules

cc: Holly Ward, ADHS Communication Director  
Laura Flores, Assistant Attorney General

ADHS  
Records division

Feb. 29, 2016

In accordance with the Arizona Public Records Law (A.R.S. Sec. 39-121 through 39-121.03), I write to request that you make available for inspection and copying the following public records:

- The abortion report(s) for the dates between Feb. 26-28, 2016. I'm specifically looking for the report that stemmed from the facility at 1331 N. 7<sup>th</sup> street, during these dates, that involved a failed abortion and baby that was transported to Banner-University Medical Center in Phoenix.

As you know, this request is made in my capacity as a journalist for a non-commercial purpose – specifically gathering and reporting news to the public.

If you can provide copies of the records electronically, please send them to me at this email address. If they can be made available by disk, I would be happy to make arrangements with you to pick up a copy. I will pay reasonable costs of photocopying or reproducing records, up to \$100. If you anticipate that copying costs will exceed \$100, please call me or reply to this email before incurring any excessive duplication charges.

As you know, the “public records” are broadly defined by Arizona law. All public records are presumed open to public inspection, absent a specific statutory exemption to the contrary. As the Arizona Attorney General’s Office has observed, any doubts about the scope of the public’s right of access “should be resolved in favor of disclosure.”

If you believe that portions of the records sought are exempt from disclosure, the law requires that you segregate or redact those portions of the records and make the non-exempt records available for inspection and copying. If you believe that any of the records are not subject to inspection, please provide a brief written explanation of the basis and authority for withholding the records.

The Arizona Public Records Law requires that public bodies provide access to public records “promptly.” Accordingly, I request that you make these records available for inspection and copying by 5 p.m. on Feb. 29, 2015. If you will be unable to meet this deadline, please contact me as soon as possible so we can discuss the reasons for any delay.

Thank you for your anticipated cooperation.

We

Sincerely,

Megan Cassidy

[mcassidy@republicmcdia.com](mailto:mcassidy@republicmcdia.com)

Cell: 602-882-8076



*Division of Policy and Intergovernmental Affairs  
Administrative Counsel and Rules*

1740 W. Adams, Suite 203  
Phoenix, Arizona 85007-2670  
(602) 542-1020  
(602) 364-1150 FAX

DOUGLAS A. DUCEY, GOVERNOR  
CARA M. CHRIST, M.D., DIRECTOR

March 1, 2016

*Sent Via Electronic Mail*

Ms. Megan Cassidy  
Arizona Republic  
[mcassidy@republicmedia.com](mailto:mcassidy@republicmedia.com)

Re: Response – February 29, 2016 Public Records Request

Dear Ms. Cassidy:

On behalf of the Arizona Department of Health Services ("ADHS") I am responding to your public records request received by ADHS on February 29, 2016 ("Request"). In your Request you ask for "abortion report(s) for the dates between Feb. 26-28, 2016," specifically "the report that stemmed from the facility at 1331 N. 7<sup>th</sup> [S]treet, during these dates, that involved a failed abortion and baby that was transported to Banner-University Medical Center in Phoenix." You later amended your Request to also include information regarding "any other aborted living fetuses in Arizona."

Please be advised that a report filed pursuant to Arizona Revised Statutes ("A.R.S.") Title 36, Chapter 20, Article 2, "is not a public record and is not available for inspection." See A.R.S. § 36-2163(D). Further a person who "wilfully discloses any information obtained from reports filed pursuant to [A.R.S. Title 36, Chapter 20, Article 2] . . . is guilty of a class 3 misdemeanor." See A.R.S. § 36-2163(F). Accordingly, ADHS is prohibited from confirming or releasing the requested information to you, if any, or from commenting on whether such a report exists at all. Publicly available abortion reporting information may be found at the following ADHS website: <http://www.azdhs.gov/plan/abortions.htm>.

If you have any questions regarding this response, please contact the Division of Policy and Intergovernmental Affairs, Administrative Counsel and Rules, at 602-542-1020.

Sincerely,

Michelle Bodi, Acting Manager  
Division of Policy and Intergovernmental Affairs, Administrative Counsel and Rules

cc: Holly Ward, ADHS Communication Director  
Laura Flores, Assistant Attorney General